

## REMARKS/ARGUMENTS

### Status of the Claims

Claims 1 and 35-37 are currently pending in the application. Claims 1 and 36 have been amended. No claims have been added. No claims have been cancelled. Therefore, claims 1 and 35-37 are present for examination. Claims 1 and 36 are independent claims.

### Rejection under 35 U.S.C. § 103, Takahashi in view of Kobayashi and Aotake

Claims 1 and 35-37 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,483,983 B1 issued to Takahashi et al. ("Takahashi") in view of U.S. Patent No. 6,938,215 B2 issued to Kobayashi et al. ("Kobayashi") and U.S. Patent No. 5,732,067 to Aotake ("Aotake"). In addition, in a teleconference with the Examiner on October 24, 2008, U.S. Patent Publication No. 2005/0120644 to Wolff et al. ("Wolff") was cited to overcome the shortcomings of Aotake.

In a subsequent teleconference with the Examiner on December 15, 2008, it was tentatively agreed that the following amendment: "wherein each of the single frames represent a portion of the moving picture" would overcome the art of record. Accordingly, Applicants respectfully request that this rejection be withdrawn.

To the extent that the above-referenced amendment does not place the present claim in condition for allowance, the following argument is presented. Applicants submit that a time-out occurs in Aotake if no interaction occurs for a period of time; however, what exactly occurs in the event of such a time-out in Aotake is relevant to the present claims.

A further reading of Aotake reveals what occurs in the event of a time-out, and explains the "time-out as later explained" recited above. Specifically, FIG. 17 discloses executing a selection list (*i.e.*, a video selection list), and "[a]t step S42, it is judged whether or not a key input by the user has been made. If the result of decision at step S42 is NO, processing transfers to step S52 and, if otherwise, to step S43." (see Aotake at col. 24, ll. 50-55; emphasis provided). For our purposes no input has been made, therefore, the process moves to S52. At S52 "it is judged whether a pre-set time as measured by time measurement unit has elapsed

(time-out). If the result of judgment at step S52 is NO, processing transfers to S42 and, *if otherwise, to step S53*. At step S53, offset is set to timeout list offset before *processing transfers to that of FIG. 18 as later explained.*" (see Aotake at col. 25, ll. 33-39; emphasis provided). Further, for our purposes a time-out occurs and thus, the process moves to S53 and ultimately to FIG. 18. In other words, the process moves from S42 to S52, then to S53 to 1, then to S60 and finally to either S61 or S62.

Finally, the explanation of what happens in Aotake in the event of a time-out (*i.e.*, no input for a preset period of time) is presented. One of two things occurs in the event of a time-out: 1) the end of the item is waited for, or 2) processing of the item stops. (see Aotake at col. 25, ll. 47-52). Applicants submit that neither of these actions are the "play back automatically a motion picture of the user-specified title as a small frame". In fact, the opposite is true in Aotake. Aotake either finishes playing whatever video is currently playing or stops playing the video completely, neither of which is automatically playing back the motion picture, as in claims 1 and 36.

Furthermore, in a teleconference with the Examiner held on October 24, 2008, Wolff at paragraph 48 was presented as disclosing "wherein the system control module, in response to receiving a user-specified title selection from the cursor button, is configured to control the decoder module to play back automatically a motion picture of the user-specified title as a small frame if there is no button input for a select period of time, wherein the automatic play back start position of the user-specified title is a part of the moving picture which is indicated by the single frame" of claims 1 and 36.

Paragraph 0048 of Wolff is reproduced for the Examiner's convenience:

[0048] Referring back to FIG. 2, the cluster of buttons at the bottom left of the system 200 provides the user with additional controls for authoring, browsing and playing back of stories. A play button 220 is used to enter a play mode to allow an individual to view existing stories. During the play mode, the system starts playback from the currently selected thumbnail image. In one embodiment, although not necessary, each thumbnail image has an audio clip associated with it as part of a story in which it resides. Furthermore, each thumbnail image may be part of more than one

story, and thus may have more than one audio clip associated with it, one audio clip for each story. However, an audio clip may or may not contain any recorded narration. When a narration exists, the narration is played through a sound system which may be part of the game console or part of the display device. If there is no recorded narration, there will be a pause of a certain length of time, for example one second. After the narration is played or after the pause (due to not having the narration), the selected track automatically scrolls forward to a next thumbnail image in the story. In one embodiment, the next thumbnail image is determined based on a default viewing and storytelling direction of left-to-right. If the user navigates to a new thumbnail image while the system is playing, for example scrolling left or right, changing to a different track, playback of the currently playing audio clip is stopped. If the user takes no further action for a brief length of time (e.g., one second), the system plays the audio clip associated with the newly selected thumbnail image and continues with that story from that point on.

As can be determined from paragraph 48 above, the system in Wolff includes several audio clips represented by thumbnail pictures. If a thumbnail is selected, the currently playing clip is stopped, and after a short time if no further action is taken the newly selected audio clip begins playing.

There are a number of differences between claims 1 and 32 and the system in Wolff. Claims 1 and 32 recite a single motion picture which is divided and each division is represented by a single frame from the motion picture. In other words, the first frame (thumbnail) may represent the beginning of the moving picture, the second frame may represent 10 seconds into the moving picture, the third frame may represent 1 minute into the moving picture, and so forth. In contrast, Wolff includes separate audio clips where each clip is represented by a thumbnail, instead of being different places in a continuous audio clip, each thumbnail represents a new clip. Hence, where claims 1 and 32 begin playback from a position within the motion picture (*i.e.*, 10 seconds, 1 minute, 1 hour, etc.), Wolff always begins playback at the beginning of the clip. In addition, since there is no video Wolff cannot use a frame from the moving picture to represent the thumbnails, as in claims 1 and 32.

Thus, for at least these reasons, Applicants submit that Wolff fails to remedy the shortcomings of Takahashi, Kobayashi, and Aotake.

Thus, for at least these additional reasons, claims 1 and 36 are believed to be allowable over Takahashi, Kobayashi, Aotake, and Wolff, individually, or when combined in any combination. Dependent claims 25 and 37 depend from claims 1 and 36, respectively, and therefore are believed to be allowable at least by virtue of their dependence from allowable base claims.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any argument not specifically addressed herein. Rather, Applicants believe the present amendments and argument overcome all rejections.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Charles W. Gray/  
Charles W. Gray  
Reg. No. 61345

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
CWG:s5s  
61500207 v1